

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

SOLOMAN OLUDAMISI AJIBADE,)
as natural parent of Mathew)
Ajibade; ADENIKE HANNAH)
AJIBADE, as natural parent of)
Mathew Ajibade; THE ESTATE OF)
MATHEW AJIBADE; and CHRIS)
OLADAPO, Executor;)

Plaintiffs,)

CASE NO. CV416-082

v.)

JOHN WILCHER, in his official)
capacity as Chatham County)
Sheriff; CORIZON HEALTH,)
INC.; CORIZON, LLC; GREGORY)
BROWN; BURT AMBROSE;)
FREDERICK BURKE; ABRAM BURNS;)
MARK CAPERS; MAXINE EVANS;)
ANDREW EVANS-MARTINEZ; PAUL)
FOLSOME; DEBRA JOHNSON; JASON)
KENNY; CHRISTOPHER REED; ERIC)
VINSON; and BENJAMIN WEBSTER;)

Defendants.)

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.
2016 SEP -9 PM 3:36
CLERK
SO. DIST. OF GA.

O R D E R

Before the Court is Plaintiffs' Motion to Voluntarily Dismiss Ambrose, Reed and Webster Under Rule 41(a)(2) (Doc. 67.) Plaintiffs request that Defendants Reed and Ambrose be dismissed with prejudice and Defendant Webster be dismissed without prejudice. (Id.) No defendant has responded in opposition to Plaintiffs' motion.

Pursuant to Federal Rule of Civil Procedure 41(a)(2), "an action may be dismissed at the Plaintiff's request only by court order, on terms that the court considers proper. Unless the order states otherwise, a dismissal under this paragraph . . . is without prejudice." Dismissal on motion of the plaintiff is within the discretion of the district court. McCants v. Ford Motor Co., 781 F.2d 855, 857 (11th Cir. 1986). "[I]n most cases, a voluntary dismissal should be granted unless [a] defendant will suffer clear legal prejudice, other than the mere prospect of a subsequent lawsuit, as a result." Pontenberg v. Boston Sci. Corp., 252 F.3d 1253, 1255 (11th Cir. 2001). After careful consideration of the record in this case, the Court **GRANTS** Plaintiffs' motion to dismiss Defendants Ambrose, Reed, and Webster. Defendants Reed and Ambrose are **DISMISSED WITH PREJUDICE** and Defendant Webster is **DISMISSED WITHOUT PREJUDICE**. The Clerk of Court is **DIRECTED** to amend the caption accordingly.

SO ORDERED this 9th day of September 2016.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA